

BOARD OF PAROLE HEARINGS
En Banc Decisions
Wednesday, January 21, 2009

Compassionate Release – Penal Code section 1170(e)
Pursuant to Government Code section 11126(c)(4)

BULLOCK, Terry Eugene	H-35437	Compassionate Release
Motion:	Refer to court for consideration of sentence recall because the prisoner is medically incapacitated as defined in Penal Code section 1170(e)(2)(C) and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).	
Motion by:	Biggers	
Second by:	Garner	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell	
No:		
Abstain:		
Not Present:		
Decision:	Refer to court for consideration of sentence recall because the prisoner is medically incapacitated as defined in Penal Code section 1170(e)(2)(C) and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).	

DEVEREAUX, Kevin Ray	P-63547	Compassionate Release
Motion:	Refer to court for consideration of sentence recall because the prisoner is medically incapacitated as defined in Penal Code section 1170(e)(2)(C) and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).	
Motion by:	Chrones	
Second by:	Drummond	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Refer to court for consideration of sentence recall because the prisoner is medically incapacitated as defined in Penal Code section 1170(e)(2)(C) and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).	

MARSHALL, Kermit Dewitt

C-57826

Compassionate Release

Motion: Refer to court for consideration of sentence recall because the prisoner is medically incapacitated as defined in Penal Code section 1170(e)(2)(C) and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).

Motion by: Drummond

Second by: Gillingham

Aye: Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present:

Decision: Refer to court for consideration of sentence recall because the prisoner is medically incapacitated as defined in Penal Code section 1170(e)(2)(C) and the conditions under which the prisoner would be released or receive treatment do not pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B).

En Banc Review

Pursuant to Government Code section 11126(c)(4)

AVILA, Rodolfo

H-38090

Governor Referred

Motion: Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.

Motion by: Bryson

Second by: Prizmich

Aye: Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present:

Decision: Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.

BANKS, Andre

D-71538

Governor Referred

Motion: Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.

Motion by: Biggers

Second by: Anderson

Aye: Anderson, Arbaugh, Biggers, Bryson, Doyle, Drummond, Garner, Gillingham, Michell, Prizmich

No: Chrones, Kane

Abstain:

Not Present:

Decision: Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.

CLARK, Angela	W-65241	Governor Referred
Motion:	Affirm the August 12, 2008 suitability decision.	
Motion by:	Prizmich	
Second by:	Garner	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Affirm the August 12, 2008 suitability decision.	

HUSSEIN, Mohammed	P-27572	Governor Referred
Motion:	Affirm the July 30, 2008 suitability decision.	
Motion by:	Garner	
Second by:	Arbaugh	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Affirm the July 30, 2008 suitability decision.	

McCARNES, Charles	C-94325	Governor Referred
Motion:	Affirm the October 19, 2004 suitability decision.	
Motion by:	Anderson	
Second by:	Drummond	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Affirm the October 19, 2004 suitability decision.	

SALKELD, Delores	W-15229	Governor Referred
Motion:	Affirm the August 13, 2008 suitability decision.	
Motion by:	Chrones	
Second by:	Kane	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Affirm the August 13, 2008 suitability decision.	

TOPALIAN, Carlo	H-41403	Governor Referred
Motion:	Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.	
Motion by:	Biggers	
Second by:	Arbaugh	
Aye:	Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Michell, Prizmich	
No:	Anderson, Kane	
Abstain:		
Not Present:		
Decision:	Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.	

WENG, David	D-62905	Governor Referred
Motion:	Affirm the August 11, 2008 suitability decision.	
Motion by:	Prizmich	
Second by:	Drummond	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Affirm the August 11, 2008 suitability decision.	

BROWNE, Andre	H-26104	Decision Review
Motion:	The grant is upheld on the express conditions that the inmate is ordered to parole to Marin County and that the parole plans are found viable by the Division of Adult Parole Operations before expiration of the decision review period.	
Motion by:	Chrones	
Second by:	Anderson	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	The grant is upheld on the express conditions that the inmate is ordered to parole to Marin County and that the parole plans are found viable by the Division of Adult Parole Operations before expiration of the decision review period.	

BUNN, Robert	C-76761	Decision Review
Motion:	Approve the October 15, 2008 proposed suitability decision.	
Motion by:	Drummond	
Second by:	Anderson	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Approve the October 15, 2008 proposed suitability decision.	

CASTANEDA, David	H-93332	Decision Review
Motion:	Approve the November 6, 2008 proposed suitability decision	
Motion by:	Kane	
Second by:	Anderson	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Approve the November 6, 2008 proposed suitability decision.	

EDGE, Robert**E-20889****Decision Review**

Motion:

Disapprove the September 24, 2008 proposed decision and schedule a rehearing on the next available calendar.

Motion by:

Garner

Second by:

Drummond

Aye:

Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present:

Decision:**Disapprove the September 24, 2008 proposed decision and schedule rehearing on the next available calendar.****ELSTER, Jerry****C-85977****Decision Review**

Motion:

Approve the September 25, 2008 proposed suitability decision.

Motion by:

Kane

Second by:

Bryson

Aye:

Anderson, Arbaugh, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell

No:

Biggers, Prizmich

Abstain:

Not Present:

Decision:**Approve the September 25, 2008 proposed suitability decision.****MARTINEZ, Arthur****C-80150****Decision Review**

Motion:

Approve the October 2, 2008 proposed suitability decision.

Motion by:

Anderson

Second by:

Garner

Aye:

Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present:

Decision:**Approve the October 2, 2008 proposed suitability decision.****SANTOS, Evelio****C-43111****Decision Review**

Motion:

Disapprove the October 8, 2008 proposed decision and schedule a rehearing on the next available calendar.

Motion by:

Arbaugh

Second by:

Chrones

Aye:

Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present:

Decision:**Disapprove the October 8, 2008 proposed decision and schedule a rehearing on the next available calendar.**

THOMAS, Brian

C-44208

Decision Review

Motion:

Approve the November 5, 2008 proposed suitability decision.

Motion by:

Drummond

Second by:

Gillingham

Aye:

Anderson, Arbaugh, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Prizmich

No:

Biggers, Bryson, Michell

Abstain:

Not Present:

Decision:

Approve the November 5, 2008 proposed suitability decision.